

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-02-0066 DFL DAD P

vs.

DAVID SANTIAGO VALDEZ,

Movant.

ORDER

Movant is a former federal prisoner proceeding pro se on a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. By order filed March 15, 2007, respondent was directed to file and serve a declaration showing good cause for failing to file and serve a timely response to movant's § 2255 motion and to file a response to the § 2255 motion. Respondent has filed a timely declaration with a motion to dismiss the § 2255 motion. Accordingly, IT IS HEREBY ORDERED that this court's March 15, 2007 order to show cause is discharged and respondent's March 19, 2007 motion to dismiss is deemed a timely response to the § 2255 motion.

DATED: April 2, 2007.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE